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09/980,434	11/28/2001	Hiroyuki Yamamoto	9683/95	3419
27879 7590 09/05/2008 INDIANAPOLIS OFFICE 27879 BRINKS HOFER GILSON & LIONE ONE INDIANA SQUARE, SUITE 1600 INDIANAPOLIS, IN 46204-2033				
EXAMINER RAMPURIA, SHARAD K				
ART UNIT		PAPER NUMBER		
2617				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary****Application No.**

09/980,434

**Applicant(s)**

YAMAMOTO ET AL.

**Examiner**

SHARAD RAMPURIA

**Art Unit**

2617

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-64 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-64 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
- Paper No./Mail Date: \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Terminal Disclaimer*

The terminal disclaimer filed on 06/09/2008 disclaiming the terminal portion of any patent granted on this application, which would extend beyond the expiration date of USP 7010306 has been reviewed and is accepted. The terminal disclaimer has been recorded.

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the **second** paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Where applicant acts as his or her own lexicographer to specifically define a term of a claim contrary to its ordinary meaning, the written description must clearly redefine the claim term and set forth the uncommon definition so as to put one reasonably skilled in the art on notice that the applicant intended to so redefine that claim term. *Process Control Corp. v. HydReclaim Corp.*, 190 F.3d 1350, 1357, 52 USPQ2d 1029, 1033 (Fed. Cir. 1999). The term “down data” in claim 1 is used by the claim to mean “down data designating a plurality of destinations of notification to which the location information is to be transmitted”, while the accepted meaning is “down data as **a character string**.” The term is indefinite because the specification does not clearly redefine the term.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 8-22, 27, 33-45, 49, 52-55, 58-60, 62-64 are rejected under 35 U.S.C. 102 (e) as being anticipated by **Sheynblat; Leonid et al.** [US 6677894 B2].

As per claim 1, **Sheynblat** teaches:

A location reporting method, (Abstract) comprising the steps of:

receiving at a mobile communication terminal, from a computer through a mobile communication network, down data containing a request for location information; identifying, with said mobile communication terminal, a description format for said requested location information; acquiring at said mobile communication terminal location information indicating a location of said mobile communication terminal; adding, at said mobile communication terminal, said acquired location information to said down data in accordance with said description format; and transmitting a resulting data to said computer as up data. (For example, the Web server may provide a Web page which includes "fill-in" forms to enter values to indicate the position of the

client and/or request an upload of GPS-related measurements, data, etc., such as pseudoranges, raw (digitized) satellite navigation messages, etc., to the Web server; Col.20; 57-Col.21; 4)

As per claim 8, **Sheynblat** teaches:

A location reporting method as described in Claim 1, wherein, after said down data is received, said location information is acquired and transmitted at predetermined intervals. (Col.21; 23-44)

As per claim 9, **Sheynblat** teaches: A location reporting method as described in Claim 8, wherein, said transmitting step includes transmitting said location information acquired at said predetermined intervals during the period from a time point to another time point designated by said down data. (Col.21; 23-44)

As per claim 10, **Sheynblat** teaches: A location reporting method as described in Claim 8, wherein, said transmitting step includes, accumulating said location information acquired at said predetermined intervals, transmitting said accumulated location information acquired at said predetermined intervals at a time point designated by said down data. (Col.21; 23-44)

As per claim 11, **Sheynblat** teaches: A location reporting method as described in Claim 1, wherein, said acquiring step includes generating, by said mobile communication terminal, the location of said mobile communication terminal using a global positioning system. (Col.4; 33-56)

As per claim 12, **Sheynblat** teaches: A location reporting method as described in Claim 1, wherein, said acquiring step includes the steps of: transmitting, by said mobile communication terminal, a request signal requesting a predetermined node of said mobile communication network to generate the location information; generating, by said predetermined node, the location information of said mobile communication terminal in response to said request signal and transmitting said location information to said terminal; and receiving, by said mobile communication terminal, the location information transmitted from said predetermined node. (Col.17; 34-67)

As per claim 13, **Sheynblat** teaches:

A location reporting method as described in Claim 12, further comprising the step of: receiving, by said mobile communication terminal, radio waves transmitted from a plurality of satellites constituting a global positioning system; wherein, said step of transmitting said request signal includes transmitting information contained in a plurality of said received radio waves, together with said request signal; and wherein, said step of generating said location information includes generating said location information using said information contained in said plurality of said received radio waves. (Col.4; 33-56)

As per claim 14, **Sheynblat** teaches: A location reporting method as described in Claim 1, wherein, disclosure information indicating whether said location information is to be disclosed to a computer is stored, in advance, in a predetermined storage means; and wherein, said adding step includes adding, in the case of receiving down data from said computer to which said

location information is to be disclosed, said acquired location information to said down data and transmitting said resulting data to said computer as up data. (Col.20; 57-Col.21; 4)

As per claim 15, **Sheynblat** teaches:

A location reporting method as described in Claim 14, wherein, said transmitting step includes transmitting, in the case of receiving down data from a computer to which the location information is not to be disclosed, a notice of rejection of the provision of the location information to said computer. (Col.20; 57-Col.21; 4)

As per claim 16, **Sheynblat** teaches:

A location reporting method as described in Claim 1, wherein, said down data contains information designating a method of location measurement; wherein, said mobile communication terminal is configured to acquire location information by any of a plurality of different location measuring methods and said acquiring step includes the step of selecting a location measuring method designated by said down data from among said plurality of said location measuring methods; and wherein, said transmitting step includes transmitting, as part of said up data, said location information acquired by said selected location measuring method in said acquiring step. (Col.20; 57-Col.21; 4)

As per claim 17, **Sheynblat** teaches:

A location reporting method as described in Claim 16, wherein, said down data contains data designating a quality condition of location information; and wherein, said step of selecting a

location measuring method includes selecting a location measuring method based on said designated quality condition. (Col.20; 57-Col.21; 4)

As per claim 18, **Sheynblat** teaches:

A location reporting method as described in Claim 16, wherein, said plurality of location measuring methods include any one of a method of using a global positioning system and, a method of identifying a base station covering a range in which said mobile communication terminal is located. (Col.4; 33-56)

As per claim 19, **Sheynblat** teaches:

A location reporting method as described in Claim 16, wherein, said location information contains: latitude and longitude; or information based on an administrative classification. (Col.20; 57-Col.21; 4)

As per claim 20, **Sheynblat** teaches:

A location reporting method as described in Claim 1, wherein, said computer is an information providing server configured to provide said mobile communication terminal with location-related information related to said location of said mobile communication terminal. (Col.20; 57-Col.21; 4)

As per claim 21, **Sheynblat** teaches:



A location reporting method as described in Claim 1, wherein, said computer is a terminal connected to a network that is capable of transmitting and receiving data by radio or wire. (Col.4; 33-56)

As per claim 22, **Sheynblat** teaches:

A location reporting method as described in Claim 1, wherein, said mobile communication terminal is a portable telephone for performing phone conversations by radio. (Col.4; 33-56)

*Claims 27, 33-45* are the **apparatus** claims, corresponding to **method** claims 1, 8-22 respectively, and rejected under the same rational set forth in connection with the rejection of claims 1, 8-22 respectively, above.

*Claim 49* is the **apparatus** claim, corresponding to **method** claim 1 respectively, and rejected under the same rational set forth in connection with the rejection of claim 1 respectively, above.

As per claim 52, **Sheynblat** teaches:

The mobile communication terminal of claim 51, wherein said selectable status indication is determinable by said microcomputer. (Col.6; 47-61)

As per claim 53, **Sheynblat** teaches:

The mobile communication terminal of claim 51, wherein said selectable status indication is manually selectable by a user of said mobile communication terminal. (Col.20; 57-Col.21; 4)

As per claim 54, **Sheynblat** teaches:

The mobile communication terminal of claim 51, wherein said selectable status indication comprises at least one of at home, moving in a car, moving on a train, or in a meeting. (Col.6; 47-61)

As per claim 55, **Sheynblat** teaches: The mobile communication terminal of claim 49, wherein said microcomputer is further configured to determine, prior to transmission of said location information, whether a source of said down data is authorized to receive said location information. (Col.6; 47-61)

As per claim 58, **Sheynblat** teaches:

The mobile communication terminal of claim 49, wherein said microcomputer is configured to direct acquisition of location information at predetermined time intervals, and said radio unit is configured to transmit said up data each time said location information is acquired until a time specified in said down data is reached. (Col.21; 23-44)

As per claim 59, **Sheynblat** teaches:

The mobile communication terminal of claim 49, wherein said radio unit is configured to transmit said up data at a time specified in said down data. (Col.21; 23-44)

As per claim 60, **Sheynblat** teaches:

The mobile communication terminal of claim 49, wherein said down data includes information designating a location information measurement method, wherein said microcomputer is configured direct acquisition of location information with said designated location information measurement method. (Col.6; 47-61)

As per claim 62, **Sheynblat** teaches:

A mobile communication terminal as described in Claim 31, further comprising: means for displaying a menu window that includes menu items based on said down data; means for accepting selection of one of said menu items; and means for determining if said predetermined character string is embedded in said selected one of said menu items. (Col.20; 57-Col.21; 4)

As per claim 63, **Sheynblat** teaches:

A location reporting method as described in Claim 1, wherein identifying, with said mobile communication terminal, a description format comprises accessing a format information file provided by said computer to identify said description format. (Col.20; 57-Col.21; 4)

As per claim 64, **Sheynblat** teaches:

A mobile communication terminal as described in Claim 27, wherein said processor is further configured to access a format information file provided by said computer to identify said description format. (Col.20; 57-Col.21; 4)

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 2-7, 23-26, 28-32, 46-48, 50-51, 56-57, 61 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Sheynblat et al.** in view of **Chern; Vincent** [US 6609005 B1].

As per claim 2, Sheynblat teaches all the particulars of the claim except detecting whether said down data contains a character string requesting location information acquisition time. However, Chern teaches in an analogous art, that a location reporting method as described in Claim 1,

wherein said steps performed by said mobile communication terminal further include the step of: detecting whether said down data contains a character string requesting location information acquisition time, and if said character string requesting location information acquisition time is detected then; wherein, said acquiring step further includes acquiring said acquisition time of said location information; and wherein, said adding step further includes adding said acquired location information acquisition time before transmission. (Where the handset location has been requested, for example, the URL address with local information appended may be "http://myaladdin.comnNP?long=111.1111&lat=222.2222&time=&lt;string(URL encoding format)&gt;". Hence, the browser is able to proceed to the server addressed by the URL and provide the server with the local information (appended to the URL) that is necessary to carry out the request; Col.9; 45-Col.10; 3) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to including detecting whether said down data contains a character string requesting location information acquisition time in order to provide a method of an existing infrastructure of a wireless HDML/WML browser to send latitude and longitude information from a wireless handset to a remote Web server.

As per claim 3, Sheynblat teaches all the particulars of the claim except detecting whether said down data contains a character string requesting information on a state of a user. However, Chern teaches in an analogous art, that a location reporting method as described in Claim 1, wherein said steps performed by said mobile communication terminal further include the steps of: detecting whether said down data contains a character string requesting information on a state of a user, and if said character string requesting information on a state of a user is detected, then;

determining a state of a user of said mobile communication terminal from said acquired location information; and wherein, said adding step further includes adding said information on said determined state of said user before transmission. (Col.9; 45-Col.10; 3)

As per claim 4, Sheynblat teaches all the particulars of the claim except detecting whether said down data contains a character string. However, Chern teaches in an analogous art, that a location reporting method as described in Claim 1, wherein said steps performed by said mobile communication terminal further include the steps of: detecting whether said down data contains a character string requesting information on a state of a user and if said a character string requesting information on a state of a user is detected then; prompting a user of said mobile communication terminal to select a state; and wherein, said adding step further includes adding said information on said selected state of said user before transmission. (Col.9; 45-Col.10; 3)

As per claim 5, Sheynblat teaches all the particulars of the claim except adding step includes substituting acquired information for said character string contained in said down data and said transmitting step includes transmitting, to said computer, said down data that includes said substituted acquired information as said up data. However, Chern teaches in an analogous art, that a location reporting method as described in one of Claims 1 - 4, wherein, said adding step includes substituting acquired information for said character string contained in said down data and said transmitting step includes transmitting, to said computer, said down data that includes said substituted acquired information as said up data. (Col.9; 45-Col.10; 3)

As per claim 6, Sheynblat teaches all the particulars of the claim except wherein, said down data contains information indicating an address to which location information is to be transmitted. However, Chern teaches in an analogous art, that a location reporting method as described in one of Claims 1 - 4, wherein, said down data contains information indicating an address to which location information is to be transmitted. (Col.9; 45-Col.10; 3)

As per claim 7, Sheynblat teaches all the particulars of the claim except obtaining said plurality of the addresses from said down data. However, Chern teaches in an analogous art, that a location reporting method as described in Claim 1, wherein said down data contains a plurality of addresses; wherein, said steps performed by said mobile communication terminal include the step of: obtaining said plurality of the addresses from said down data; and wherein, said transmitting step includes transmitting said resulting data to said plurality of the addresses in succession. (Col.10; 57-66)

As per claim 23, **Sheynblat** teaches:

A location reporting method for reporting, to a predetermined computer, location information of a mobile communication terminal acquired in a mobile communication network serving the mobile communication terminal which is capable of performing radio communication, comprising the steps of:  
acquiring by said mobile communication terminal location information indicating said location of said mobile communication terminal for use by a destination mobile communication terminal;

(Col.20; 57-Col.21; 4)

Sheynblat doesn't teach specifically, mobile communication terminal retrieving from memory a pre-stored network address indicative of a server that provides map location information that is accessible by said destination mobile communication terminal in conjunction with said location information. However, Chern teaches in an analogous art, that said mobile communication terminal retrieving from memory a pre-stored network address indicative of a server that provides map location information that is accessible by said destination mobile communication terminal in conjunction with said location information; and transmitting, by said mobile communication terminal, said pre-stored network address for receipt by said destination mobile communication terminal after adding said acquired location information to said pre-stored network address. (Col.9; 45-Col.10; 3)

As per claim 24, **Sheynblat** teaches:

A location reporting method as described in Claim 23, wherein, said acquiring step includes generating by said mobile communication terminal the location of said mobile communication terminal using a global positioning system. (Col.4; 33-56)

As per claim 25, **Sheynblat** teaches:

A location reporting method as described in Claim 23, wherein, said computer is a terminal connected to a network and capable of transmitting and receiving data by radio or wire. (Col.4; 33-56)



As per claim 26, **Sheynblat** teaches:

A location reporting method as described in Claim 23, wherein, said mobile communication terminal is a portable telephone for performing phone conversations by radio. (Col.4; 33-56)

*Claims 28-32* are the **apparatus** claims, corresponding to **method** claims 2-7 respectively, and rejected under the same rational set forth in connection with the rejection of claims 2-7 respectively, above.

*Claims 46-48* are the **apparatus** claims, corresponding to **method** claims 23-25 respectively, and rejected under the same rational set forth in connection with the rejection of claims 23-25 respectively, above.

*Claims 50-51, 56, 61* are the **apparatus** claims, corresponding to **method** claim 2 respectively, and rejected under the same rational set forth in connection with the rejection of claim 2 respectively, above.

*Claim 57* is the **apparatus** claim, corresponding to **method** claim 7 respectively, and rejected under the same rational set forth in connection with the rejection of claim 7 respectively, above.

***Response to Amendments & Remarks***

Applicant's arguments with respect to claims 1-64, have been fully considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharad Rampuria whose telephone number is (571) 272-7870. The examiner can normally be reached on M-F. (8:30-5 EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne Bost can be reached on (571) 272-7023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000 or

[EBC@uspto.gov](mailto:EBC@uspto.gov).

/Sharad Rampuria/  
Primary Examiner  
Art Unit 2617